



February 16, 2016

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## ENGROSSED HOUSE BILL No. 1271

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DIGEST OF HB 1271 (Updated February 15, 2016 11:19 am - DI 104)

**Citations Affected:** IC 31-9; IC 31-33.

**Synopsis:** Child abuse or neglect allegations in military families. Requires the department of child services (department) to notify the United States Department of Defense Family Advocacy Program (program) if a child of an active duty member of the military is the subject of a substantiated investigation of abuse or neglect. Requires the department to make the assessment report available to the program upon request. Allows the department to seek assistance of the program in providing services.

**Effective:** July 1, 2016.

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**Zent, Smith M, Klinker, Macer**

(SENATE SPONSOR — BANKS)

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January 11, 2016, read first time and referred to Committee on Family, Children and Human Affairs.

January 21, 2016, amended, reported — Do Pass.

January 25, 2016, read second time, ordered engrossed.

January 26, 2016, engrossed. Read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Family & Children Services.

February 15, 2016, reported favorably — Do Pass.

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EH 1271—LS 6849/DI 125





February 16, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1271

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 31-9-2-0.8, AS ADDED BY P.L.80-2010,  
2       SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2016]: Sec. 0.8. "Active duty", for purposes of  
4       IC 31-14-13-6.3, ~~and~~ IC 31-17-2-21.3, **IC 31-33-8-7, and**  
5       **IC 31-33-14-3**, means full-time service in:  
6             (1) the armed forces of the United States (as defined in  
7             IC 5-9-4-3); or  
8             (2) the National Guard (as defined in IC 5-9-4-4);  
9       for a period that exceeds thirty (30) consecutive days in a calendar  
10      year.  
11      SECTION 2. IC 31-33-8-7, AS AMENDED BY P.L.162-2011,  
12      SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13      JULY 1, 2016]: Sec. 7. (a) The department's assessment, to the extent  
14      that is reasonably possible, must include the following:  
15             (1) The nature, extent, and cause of the known or suspected child  
16             abuse or neglect.  
17             (2) The identity of the person allegedly responsible for the child

EH 1271—LS 6849/DI 125



abuse or neglect.

(3) The names and conditions of other children in the home.

(4) An evaluation of the parent, guardian, custodian, or person responsible for the care of the child.

(5) The home environment and the relationship of the child to the parent, guardian, or custodian or other persons responsible for the child's care.

(6) All other data considered pertinent.

(b) The assessment may include the following:

(1) A visit to the child's home.

(2) An interview with the subject child.

(3) A physical, psychological, or psychiatric examination of any child in the home.

(c) If:

(1) admission to the home, the school, or any other place that the child may be; or

(2) permission of the parent, guardian, custodian, or other persons responsible for the child for the physical, psychological, or psychiatric examination;

under subsection (b) cannot be obtained, the juvenile court, upon good cause shown, shall follow the procedures under IC 31-32-12.

(d) If a custodial parent, a guardian, or a custodian of a child refuses to allow the department to interview the child after the caseworker has attempted to obtain the consent of the custodial parent, guardian, or custodian to interview the child, the department may petition a court to order the custodial parent, guardian, or custodian to make the child available to be interviewed by the caseworker.

(e) If the court finds that:

(1) a custodial parent, a guardian, or a custodian has been informed of the hearing on a petition described under subsection (d); and

(2) the department has made reasonable and unsuccessful efforts to obtain the consent of the custodial parent, guardian, or custodian to interview the child;

the court shall specify in the order the efforts the department made to obtain the consent of the custodial parent, guardian, or custodian and may grant the motion to interview the child, either with or without the custodial parent, guardian, or custodian being present.

**(f) If a parent, guardian, or custodian of a child who is the subject of a substantiated investigation of abuse or neglect is an active duty member of the military, the department shall notify the United States Department of Defense Family Advocacy Program**



1 **of the assessment concerning the child of the active duty member**  
 2 **of the military.**

3 SECTION 3. IC 31-33-8-9, AS AMENDED BY P.L.131-2009,  
 4 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2016]: Sec. 9. (a) The department's report under section 8 of  
 6 this chapter shall be made available to:

7 (1) the appropriate court;

8 (2) the prosecuting attorney; ~~or~~

9 (3) the appropriate law enforcement agency; **or**

10 **(4) the United States Department of Defense Family Advocacy**  
 11 **Program, if a parent, guardian, or custodian of a child who is**  
 12 **the subject of a substantiated investigation of abuse or neglect**  
 13 **is an active duty member of the military;**

14 upon request.

15 (b) If child abuse or neglect is substantiated after an assessment is  
 16 conducted under section 7 of this chapter, the department shall forward  
 17 its report to the office of the prosecuting attorney having jurisdiction in  
 18 the county in which the alleged child abuse or neglect occurred.

19 (c) If the assessment substantiates a finding of child abuse or neglect  
 20 as determined by the department, a report shall be sent to the  
 21 coordinator of the community child protection team under IC 31-33-3.

22 SECTION 4. IC 31-33-14-3 IS ADDED TO THE INDIANA CODE  
 23 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 24 1, 2016]: **Sec. 3. If:**

25 **(1) the department determines that the best interests of the**  
 26 **child require intervention by the department or action in the**  
 27 **juvenile or criminal court; and**

28 **(2) a parent, guardian, or custodian of the child is an active**  
 29 **duty member of the military, the department may seek the**  
 30 **assistance of the United States Department of Defense family**  
 31 **advocacy program in determining and providing appropriate**  
 32 **services for the child and family.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1271, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 31-9-2-0.8, AS ADDED BY P.L.80-2010, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.8. "Active duty", for purposes of IC 31-14-13-6.3, ~~and~~ IC 31-17-2-21.3, **IC 31-33-8-7, and IC 31-33-14-3**, means full-time service in:

(1) the armed forces of the United States (as defined in IC 5-9-4-3); or

(2) the National Guard (as defined in IC 5-9-4-4);

for a period that exceeds thirty (30) consecutive days in a calendar year."

Page 2, line 30, delete "reported allegation" and insert **"substantiated investigation"**.

Page 2, line 31, delete ":" and insert **"the military,"**.

Page 2, delete lines 32 through 35.

Page 2, run in lines 31 through 36.

Page 3, line 6, delete "reported allegation" and insert **"substantiated investigation"**.

Page 3, line 7, delete "as described in section" and insert ";".

Page 3, delete line 8.

Page 3, after line 16, begin a new paragraph and insert:

"SECTION 4. IC 31-33-14-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3. If:**

(1) the department determines that the best interests of the child require intervention by the department or action in the juvenile or criminal court; and



**(2) a parent, guardian, or custodian of the child is an active duty member of the military, the department may seek the assistance of the United States Department of Defense family advocacy program in determining and providing appropriate services for the child and family."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1271 as introduced.)

FRIZZELL

Committee Vote: yeas 11, nays 0.

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#### COMMITTEE REPORT

Madam President: The Senate Committee on Family & Children Services, to which was referred House Bill No. 1271, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB1271 as printed January 22, 2016.)

GROOMS, Chairperson

Committee Vote: Yeas 6, Nays 0

